



JSW

[10121/00308-00-0044CON2]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : McAlister et al.
Serial No. : 10/764,619
Filed : January 26, 2004
For : Stapling and Cutting in Resectioning for Full Thickness Resection Devices

Group Art Unit : 3731
Examiner : Gary Jackson

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONED PATENT APPLICATION

The above-identified application became abandoned because an Office Action sent by the USPTO was not received. The relevant facts are as follows:

1. An Office Action was mailed by the USPTO on November 3, 2004.
2. The Office Action was mailed to the wrong address and was never received by the Applicants.
3. A search of the Applicants' file and docket records indicates that the Office Action was not received. A copy of the docket report for the above-identified application is enclosed herewith.

07/11/2005 ZJUHA1 00000033 501492 10764619
01 FC:1464 130.00 DA

Thus, the Applicants respectfully submit that the Office Action was not received, and hereby petition the Commissioner to withdraw the holding of abandonment of the above-identified application.

Respectfully submitted,

Dated: July 5, 2005

By 

Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP

150 Broadway, Suite 702

New York, New York 10038

Tel: (212) 619-6000

Fax: (212) 208-6819